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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,478	08/15/2003	Ching-Yao Liang	PUSA030768	6005
7590	06/03/2004		EXAMINER	
Ching-Yao Liang 58, MA YUAN WEST ST. TAICHUNG, TAIWAN			HUYNH, KHOA D	
			ART UNIT	PAPER NUMBER
			3751	

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/643,478	LIANG, CHING-YAO
	Examiner Khoa D. Huynh	Art Unit 3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 15 August 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-11 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-10 is/are rejected.

7) Claim(s) 11 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 6-8 and 10, as presently understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Franninge (4954179).

Regarding claim 1, the Franninge reference discloses a massaging tub (Fig. 1). The tub includes a body having an inside formed with a receiving portion having a peripheral wall provided with a spraying pipe (13,14), a water outlet pipe (12) having a first end connected to the tub and a second end connected to a first side of a water pump (11), and a circulation pipe (41) having a first end connected to a second side of the water pump (11) and a second end connected to the spraying pipe (13,14). The tub also includes a flushing or washing device (30) having a connecting pipe (40) having a first end connected to a water pipe (7,8) and a second end connected to the circulation pipe (41), and a switch valve (33) connected to the connecting pipe (40) and located adjacent the water pipe (7,8).

Regarding claim 2, as schematically shown in Figure 2, the spraying pipe (13,14) is substantially arc-shaped (the curved portion that wraps around the ends of the tub).

Regarding claim 3, as schematically shown in Figure 2, the spraying pipe (13,14) is bent downward.

Regarding claim 4, the spraying pipe has a plurality of nozzles (15).

Regarding claim 6, the water pipe is a cold water pipe (7).

Regarding claim 7, the water pipe is a hot water pipe (8).

Regarding claim 8, the switch valve is a solenoid valve and controlled by an electrical power.

Regarding claim 10, a water inlet pipe (10) mounted on the bottom side the tub having the first end extended in the receiving portion of the tub via a mixing fitting (9) for supplying water to the tub, wherein the water pipe (7,8) having an end connected to a second end of the water inlet pipe (connection schematically shown in Figure 2) via element 36.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Franninge in view of Mathis et al. (5383239).

The Franninge reference DIFFERS in that it does not specifically include a check valve as claimed. Attention, however, is directed to the Mathis et al. reference which discloses another massaging tub having a washing device

(46,48,50) having connecting pipe (46) that allows a washing agent to enter the water circuit for cleaning purposes. The connecting pipe includes a check valve (50) for preventing backflow of mixed fluid-detergent. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the Franninge connecting pipe by employing a check valve, in view of the teaching of Mathis et al., in order to prevent backflow of fluid.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Franninge (as discussed above).

Even though the Franninge switch valve is a solenoid valve, it is controlled by a time lag relay that can be manually set for a given time. Therefore, it would have been obvious to one skill in the art to reasonable conclude that the switch valve is "controlled manually" as claimed.

***Allowable Subject Matter***

6. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

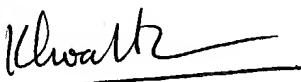
***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gandini was cited to show a self-cleaning whirlpool system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoa D. Huynh whose telephone number is (703) 306-5483. The examiner can normally be reached on M-F (7:00-4:30) Second Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on (703) 308-2580. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Khoa D. Huynh  
Patent Examiner  
Art Unit 3751

HK  
05/31/2004